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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Charles J. and  
Therese A. Thurston,

**Plaintiffs,**

**v.**

**Case No. C1 02 363**

United States of America,

**Defendant.**

**MAGISTRATE JUDGE HOGAN**

**NOTICE OF WITHDRAWAL  
OF  
MOTION OF PLAINTIFFS FOR AN ORDER THAT  
THEY BE PERMITTED TO RESPOND TO REQUEST FOR ADMISSIONS  
OUT OF RULE**

Plaintiffs hereby give notice that they withdraw their motion that they be permitted to respond out-of-rule to defendant's Requests for Admission as defendant has acknowledged that the same were responded to timely by plaintiffs' former counsel. Therefore, plaintiffs' motion in that regard is now moot.

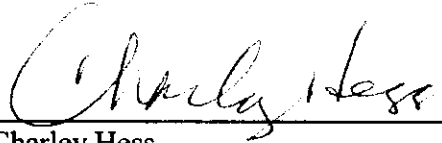


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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing has served by ordinary U.S. Mail this 6<sup>th</sup> day of Feb, 2004, upon the following:

Michael Davis, Esq.  
Trial Attorney, Tax Division  
U.S. Department of Justice  
Post Office 55  
Ben Franklin Station  
Washington, D.C. 20044

  
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Charley Hess